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LAUKHUF

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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MMC1/0621

TODD T TAYLOR  
TAYLOR & ASSOCIATES PC  
6115 STONEY CREEK DRIVE  
FORT WAYNE IN 46825

NINO.A

EXAMINER

2831

ART UNIT

PAPER NUMBER

06/21/01

DATE MAILED:

*resubmitted*  
*7/13/01*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. 09/527,880	Applicant(s) LAUKHUF, GREGG EDWARD	
	Examiner Adolfo Nino	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 7-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                          | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)      | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. | 20) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, drawn to an electrical power distribution system, classified in class 174, subclass 68.3.
- II. Claims 7-18, drawn to a process of assembling electrical conductors, classified in class 29, subclass 868.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as an electrical distribution system.

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process for using the product as claimed can be practiced with another materially different product such as not having insulation-free conductors or by contacting to the outside of the elongated electrically conductive enclosure with a wire.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Todd T. Taylor on May 24, 2001 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-6. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-18 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Drawings***

The drawings are objected to because the insulated electrical conductor 22 is not marked in figure 1 as stated in page 3, line 16, of the specification. Correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKitrick et al. (US 6,218,612 B1) in view of Murray (US 6,201,687 B1) and further in view of Gasque (US 5,218,167).

Regarding claim 1, McKitrick et al. disclose an electrical power distribution system (col. 1, lines 26-34), comprising: a hollow elongated conductive enclosure (22 in Fig. 1; col. 4, lines 43-44); a plurality of elongated insulated conductors disposed within the enclosure (col. 4, lines 36-40); but McKitrick et al. do not disclose a plurality of wraps spaced along, and each surrounding, the plurality of insulated conductors; and a flexible electrical conductor having an exposed electrically conductive surface within the enclosure making electrical contact with the enclosure interior in a plurality of randomly distributed regions along the length of the enclosure. Murray teaches that it is known to have a plurality of wraps spaced along, and each surrounding, a plurality of insulated conductors as set forth in figure 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a plurality of wraps spaced along, and each surrounding, a plurality of insulated conductors, as taught by Murray in order to provide a more organized wire management system. Gasque teaches that it is known to have a flexible electrical conductor having an exposed electrically conductive surface within the enclosure making electrical contact with the enclosure interior along the length of the enclosure as set forth at column 3, lines 54-60. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a flexible electrical conductor having an exposed electrically conductive surface within the enclosure making electrical contact with the enclosure interior along the

length of the enclosure, as taught by Gasque in order to protect an electrical power distribution system from voltage and current surges as stated in Gasque at column 1, line 12.

Regarding claim 2, the modified McKitrick et al. disclose the electrical power distribution system of claim 1, wherein each of the wraps confine the plurality of insulated conductors in a bundle and excluding the flexible conductor from the bundle (Fig. 3A of Gasque shows flexible conductor 98 outside of the bundle of insulated conductors) except for each of the wraps comprises a strip of adhesive tape. It would have been an obvious matter of design choice to have each of the wraps comprises a strip of adhesive tape, since applicant has not disclosed that having wraps comprising a strip other than of adhesive tape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with wraps comprises a strip of adhesive tape.

Regarding claim 3, the modified McKitrick et al. disclose the electrical power distribution system of claim 1, except for the flexible electrical conductor comprises an insulation-free stranded copper wire conductor. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a flexible electrical conductor comprises an insulation-free stranded copper wire conductor, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

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Regarding claim 4, the modified McKitrick et al. disclose the electrical power distribution system of claim 1, wherein the flexible electrical conductor is terminated near at least one end to an electrical ground (Gasque at col. 2, lines 31-33).

Regarding claim 5, the modified McKitrick et al. disclose the electrical power distribution system of claim 1, wherein the hollow elongated enclosure comprises a flexible metal conduit (McKitrick et al. at col. 4, lines 45-47).

Regarding claim 6, the modified McKitrick et al. disclose the electrical power distribution system of claim 1, wherein the hollow elongated enclosure comprises a modular furniture distribution (McKitrick et al. at col. 1, lines 18-19).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Deitz et al. (US 5,956,445) disclose a plenum rated cables and shielding tape. Gasque (US 5,930,100) discloses a lightning retardant cable. Goodrich (US 5,901,756) discloses a flexible wear sleeve. Nowell (US 5,784,841) discloses an electrical raceway housed in a structural member. Kelley et al. (US 5,383,318) disclose a raceway cable retention apparatus. Sykes (US 5,062,246) discloses a partition structures and frame elements therefor. Schwab (US 4,166,195) discloses a duct apparatus. Lacan (US 3,909,502) discloses a column for electrical supply cables. Hanson (US 3,135,469) discloses a portable electrical outlet and lighting assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolfo Nino whose telephone number is (703) 305-1071. The examiner can normally be reached on M-F (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AN  
June 12, 2001

*Dean A. Reichard* 6/14/01  
Dean A. Reichard  
Primary Examiner